



Virginia Commission on Youth 2022 Legislative Studies and Initiatives

Transition Process for Students with Disabilities Regarding Records and Services at the Age of Majority

Draft Recommendations	Public Comment
<p>Finding 1:</p> <p>Many families are not aware that once a student with a disability turns 18 years old, that student’s special education service records may not be shared with the parents and will not be transferred to a local Community Services Board for continued services. The 18 year old student is the only one who can legally gain access to these records, unless an agreement designates another person to have access. Continuing after a student transitions, and in order to build on previous progress made, future service providers often need to access relevant parts of the whole record to continue to meet the needs of the adult with different abilities.</p> <p>The Virginia Department of Education has detailed guidance document on working with students during transition, “Transfer of Rights for Students with Disabilities Upon Reaching the Age of Majority in Virginia.” The Department of Behavioral Health and Developmental Services does not currently have such guidance.</p>	<p>Virginia Association for Community Services Boards (VACSB): If best practice standards by which CSBs must abide are to be developed, CSBs should be a part of that process in addition to the Department of Behavioral Health and Developmental Services and the Department of Education.</p> <p>This recommendation also presumes that CSBs serve every student with a disability which is not the case. Many are served by private providers which means their records, etc., would reside outside the public system. If this recommendation is pursued as written, then only those served in the public system would be covered.</p> <p>Comments from:</p> <p style="padding-left: 40px;">Paul Wehman, Ph.D., Director, Virginia Commonwealth University Rehabilitation Research & Training Center (VCU-RRTC) & VCU Professor of Special Education and Counseling</p> <p style="padding-left: 40px;">Elizabeth Getzel, M.A., Director, VCU RRTC on Transition</p> <p style="padding-left: 40px;">Judy Averill, M.Ed., Director, Virginia Commonwealth University Center on Transition Innovations</p> <p style="padding-left: 40px;">Jennifer McDonough, M.S., C.R.C., Project SEARCH Statewide Coordinator & VCU RRTC Project Director</p>

Recommendation 1: Require that the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education, and representatives from community services boards and local education agencies, develop and disseminate best practice standards to Community Services Boards (CSBs) and local education agencies about how to work with local education agencies, private placement entities, students, and families through the transition process. Additionally, best practices should include information about what special education, service, or accommodation records to transfer at the age of majority and/or high school completion. The Department of Behavioral Health and Developmental Services shall use existing Department of Education Guidance in developing best practices.

Comments hereinafter referred to as **VCU-RRTC**:

There is a strong need to disseminate best practice standards to agencies, schools, families, and students with disabilities to enhance the post high school transition of students. We would also strongly encourage the development of a task force to examine ways to create a more integrated data system that will link students' records and transition related information across agencies to streamline information sharing to help promote a more holistic transition planning process for students and families.

Grafton: In Grafton's experience, students may not have the capacity to understand the materials that they are given. The recommendations do not take this into consideration. Further, these children may not have active family or guardians. It appears that these are targeted towards students in a public school setting and do not consider students whose IEP's require a private day school setting. It is also unclear how the recommendations will be measured to determine success or require change and modification.

Grafton's recommendation would be to include language clarifying that the transition coordinators would be working with students placed in private day schools by their school district. Grafton would also recommend language that clarified how students without family involvement or who are in the custody of a social services agency would be specifically supported. One possible solution would be to consider enhanced involvement from the transition coordinator with a definition of what 'enhanced services' would entail. (Grafton's comments are with respect to recommendations: 1, 2, 3, 7, 8, and 9.)

Finding 2:

Information on the transition process and opportunities available for students with disabilities for their families and professionals alike is overwhelming and confusing. There are similar services available from different organizations with slight variations in delivery and practice. Families and students may not be able to find the information they need to make a fully informed decision to meet the future needs of the adult student. Early on in the planning process, (late middle school or early high school) more awareness is needed by classroom teachers, counselors, and special education teachers on the work-world need for a specific type of diploma for various colleges and careers, and/or knowledge of the state and local resources available beyond high school, in order to relay this information to students and families.

Recommendation 2: Introduce a budget amendment directing the Department for Aging and Rehabilitative Services to work with the Department of Education, the Department of Behavioral Health and Developmental Services, the Parent Educational Advocacy Training Center (PEATC), Virginia Commonwealth University's Partnership for People with Disabilities, and VCU-RRTC to ensure that online resources are readily available and disseminated to all individuals of transition age and their families. This includes utilization and promotion of PEATC's online training course, Transition University (TU) conducted in coordination with VDOE and PEATC's online transition guide and resource documents on its website.

DARS, DOE, DBHDS, PEATC, Partnership for People with Disabilities, and VCU-RRTC shall explore whether these online resources should be expanded to ensure full coverage of resources for students with disabilities on transition services beyond high school, including, transfer

VCU-RRTC: It is strongly encouraged that an existing central hub of transition information, the VCU RRTC's Center on Transition Innovations (centerontransition.org), be included in this recommendation.

<p>requirements, provider and service options, diploma requirements for future career or educational goals, and other helpful information. Assess whether PEATC’s online resources, including Transition University and PEATC’s transition webpage should serve as the central hub or a separate website should be developed with the goal of ensuring access to families and promotion of resources and information by DARS and DBHDS without duplicating existing efforts. Review transition resources on other organizational websites including, but not limited to, Partnership for People with Disabilities.</p> <p><u>Recommendation 3:</u> Request that the Department for Aging and Rehabilitative Services work with the Virginia Commonwealth University’s Partnership for People with Disabilities, <u>VCU-RRTC</u>, and the Parent Educational Advocacy Training Center (PEATC), to develop and disseminate virtual training on transition resources and services for teachers in each high school or school district.</p>	
<p>Finding 3:</p> <p>Students with disabilities are often unintentionally excluded from participating in vocational rehabilitation (VR) or internship programs because of the lack of knowledge about needed adjustments or accommodations, or the high degree <u>potential</u> of liability for a particular job. This is a potential barrier to employment. Virtual reality software would allow students with disabilities to explore a wider variety of career options. The Virginia Information Technologies Agency (VITA) policies regarding the use of virtual reality technology do not allow for its use in the vocational rehabilitation setting.</p> <p>Currently, the Virginia Department of Education uses state funds to provide virtual job shadowing and AZTEC software, for industry</p>	<p>VCU-RRTC: Regarding liability concerns in finding 3, VCU RRTC is known nationally as a leader in placing historically unemployed persons with disabilities into the state labor force. We have numerous relationships with large and small businesses that contradict this statement of concern regarding liability.</p> <p>On recommendation 4, we support the use of virtual reality to assist in preparing students to assist in the development of Individualized Education Program (IEPs) and Individualized Plan for Employment (IPEs). However, it is highly encouraged that the recommendation also include the use of community work based learning opportunities for students with disabilities in addition to using software programs like AZTEC.</p>

<p>credentialing. These funds are used specifically for students with autism.</p> <p><u>Recommendation 4:</u> Request the Virginia Information Technologies Agency (VITA) work with agencies who provide services and workplace opportunities to students with disabilities, to identify solutions to barriers in using virtual reality software and other relevant transition content applications for students with disabilities.</p>	
<p>Finding 4:</p> <p>Local businesses with internship programs are hesitant to work with students with disabilities. Employers are not knowledgeable about how to accommodate or manage these young students who may have different strengths and challenges. Additionally, employers are not aware of local resources or available tools that would help a transitioning student to be successful in the job. Programs such as Project Search and Start on Success have an 80% employment success rate, and they should be used as role models for schools that do not have internship programs for students with disabilities.</p> <p><u>Recommendation 5:</u> Request that the Virginia Department for Aging and Rehabilitative Services (DARS) continue to develop internship opportunities for students with disabilities. DARS should work in collaboration with other state agencies and local governments including, but not limited to, the Virginia Departments of Labor and Industry, Education (Career and Technical Education, as well as Special Education), the Blind and Vision Impaired, the Deaf and Hard of Hearing, and Behavioral Health and Developmental Services, as well as the Virginia Chamber of Commerce, local chambers of commerce, businesses and other relevant organizations to provide internship</p>	<p>VCU-RRTC: Recommendation 5 is highly endorsed. On recommendation 6, it is recommended that a marketing campaign be developed, in collaboration with the Chamber of Commerce, to promote the inclusion of individuals with disabilities in the workplace.</p>

<p>opportunities for students with disabilities. These opportunities will ensure that each student with a disability has a blueprint for their career and job placement after high school. DARS shall continue to educate internship provider businesses about different types of accommodations that can be accessed for various disabilities. DARS shall take advantage of established programs and increase statewide school participation in programs such as Project Search and other post high school programs.</p> <p><u>Recommendation 6:</u> Request that the Secretary of Education, in coordination with the Secretary of Health and Human Resources, Secretary of Labor, and Secretary of Commerce and Trade, investigate the feasibility of developing a comprehensive program to reduce unemployment among adults with disabilities by assisting and supporting businesses to attract, hire, train, and retain adults with disabilities.</p>	
<p>Finding 5:</p> <p>Funding is needed to assist with the transition of students with disabilities to their highest level of independent living. Schools do not have enough transition coordinators to assist students who are moving out of the school system to find needed services for independent living.</p> <p>Transition Coordinators work closely with state agencies, service providers, and case managers to bridge the gap for students and families between the high level of services provided to students in secondary school and the services available after aging out of high school. This gap is often referred to as “the cliff.”</p>	<p>VCU-RRTC: It is strongly recommended that the budget amendment in recommendation 7 be a budget line item, and not grant-funded. This will increase the number of transition coordinators so desperately needed throughout the state, and will provide funding for continuity of these positions.</p> <p>Recommendation 8 and 9 are strongly endorsed.</p>

<p><u>Recommendation 7:</u> Introduce a budget amendment to fund a transition coordinator grant program to be administered through the Virginia Department of Education. These coordinators shall be employed by local school divisions and work with other community partners (local Community Services Boards and other agencies, <u>including private education entities</u>) to assist students with disabilities and their families in preparing for future service needs and employment opportunities. School districts shall apply to the Department of Education to receive state grant funding for a coordinator position. Grant funding may also be used by local school divisions to offer transition services to students with disabilities through contracted positions, such as job coaches, that are available in the community.</p> <p><u>Recommendation 8:</u> Require that all public high schools identify the person responsible for transition planning and coordination at each school. Make such identification of the person responsible for transition planning available to the public.</p> <p><u>Recommendation 9:</u> Support the Virginia Department of Education in their use of IDEA funding to develop a state special education transition management position to oversee transition coordinator issues and funding across the state.</p>	
<p>Finding 6:</p> <p>The Virginia Board for People with Disabilities serves as the Developmental Disabilities (DD) Council for Virginia and works to help people with developmental disabilities meet their service</p>	<p>VCU-RRTC: It is recommended that if letters of endorsement are developed to support organizations towards their goal of obtaining grant funding to assist in the transition of students with disabilities, these letters should encompass a wider range of organizations and agencies with these goals. For example, the Department of</p>

<p>needs for independence in a respectful and dignified manner. The Virginia Commonwealth University’s Partnership for People with Disabilities offers education, health, early childhood, and community living training programs for both providers and people with disabilities themselves. The disAbility Law Center works with individuals in the community to address abuse, neglect, and discrimination of people with disabilities by providing legal services with grant funds. These DD council organizations do not have the staff to directly manage the transition process but are aligned with assisting in this effort and have the expertise to provide guidance for professionals, as well as student and family education and awareness. These organizations serve a strategic role in assisting students with disabilities, their families and professionals to help with the transition from high school to independent living and self-sufficiency. Grant funds are used to support their services.</p> <p><u>Recommendation 10:</u> Request that the Chair of the Virginia Commission on Youth write letters of endorsement for Virginia Commonwealth University’s Partnership for People with Disabilities, the disAbility Law Center, the Virginia Board for People with Disabilities, and the Department for Aging and Rehabilitative Services. The letters will show support for these organizations towards their goal of obtaining grant funding to assist with the advocacy for, and the transition of, students with disabilities to adulthood and independent living.</p>	<p>Education, Virginia Commonwealth’s Rehabilitation Research and Training Center that houses several state and national grants on the transition of youth with disabilities, and other entities across the state with similar goals.</p>
<p>Finding 7:</p> <p>Services provided by a given organization are not necessarily known across agencies and providers. There is a strong need for better collaboration of services to assist transitioning students with disabilities to adulthood. This lack of organization encourages duplication, poor communication with families, and</p>	<p>VCU-RRTC: If the recommendation is to support a budget amendment for VTIC, it is recommended that other entities be invited including the VCU-RRTC, VCU-CTI, VCU-ACE and other entities across the state that focus on the transition of youth with disabilities.</p>

unused services and benefits for individuals. The Virginia Intercommunity Transition Council, under the Virginia Department of Education, convenes many of the organizations with the goal of promoting successful transition outcomes for youth by providing leadership and innovation in employment, education, and community support systems. The role of this organization could be more widely felt.

In addition, in 2020, the Joint Legislative and Audit Commission (JLARC) recommended that the Virginia Department of Education develop a robust statewide plan for improving transition planning for students with disabilities. JLARC's report raised this as an issue of oversight that the Department could address. The Department of Education is currently developing a statewide plan and will provide its report by December 1, 2022.

Recommendation 11: Introduce a language only budget amendment directing the Virginia Department of Education to have the Virginia Intercommunity Transition Council meet at least biannually to help implement its statewide plan for oversight of local practices related to transition planning and services.

The objective of this council shall include streamlining and collaboration, developing a better transition communication network in the Commonwealth, educating all members about what Virginia and local organizations provide for students transitioning to adulthood, identifying any gaps or overlap in services for potential streamlining and problem-solving, identifying best practices for students without family involvement or who are in the custody of a social services agency, and developing an improved transition infrastructure for students with different abilities.

<p>This council shall include, but not be limited to, the Department for Aging and Rehabilitative Services, the Department of Behavioral Health and Developmental Services, Department for the Blind and Vision Impaired, Department for the Deaf and Hard of Hearing, Department of Social Services, Virginia Community College System, and Virginia Commonwealth University’s Partnership for People with Disabilities.</p>	
<p>Additional Finding:</p> <p>The Virginia Board for People with Disabilities published a number of recommendations in their <i>2022 Assessment of Access to Information for People with Disabilities and their Family Members</i>. A couple of their recommendations addressed school to adult transition.</p> <p>Request that the Chair of the Virginia Commission on Youth write a letter of support to the Virginia Board for People with Disabilities for the following recommendations, as amended below in bold:</p> <p><u>Recommendation:</u> Virginia Department of Education (DOE) and the Department of Behavioral Health and Developmental Services, along with the local school divisions, should work with CSBs/BHA within the school division’s catchment area to designate a staff to act as a lead for school-to-adult life transition and work with the school division’s Transition Coordinator to ensure accurate and timely information is distributed to families. CSBs/BHA should utilize existing school-to-adult life transition resources such as PEATC's Transition University for CSB staff training and development.</p>	<p>VCU-RRTC: Regarding resources, it is recommended that the list of existing school-to-adult transition resources be comprehensive to include other entities, like the VCU Center on Transition Innovations, etc.</p> <p>There is a very high need for the development of a Community of Practice.</p>

<p><u>Recommendation:</u> The CSBs/BHA, through their member organization, Virginia Associations of Community Services Boards (VACSB), should consider operating a Community of Practice for School to Adult Transition, to foster learning and identify some of the exemplary practices taking place in several CSBs.</p>	
	<p>Additional Comments:</p> <p>The ARC of Virginia: Our only comment is to reaffirm the need to include Virginians with disabilities – vitally, Black, Indigenous, and persons of color, who already face significant systemic barriers in access to supports during and following the school years – and their families in ongoing workgroups, partnerships, and discussions, and to give priority and weight to their input. These are the stakeholders best-equipped to provide our state agencies and community partners with the tools needed to continue crafting meaningful and sustainable solutions; their inclusion must always be a valued, proactive measure.</p>